	Application No.	Applicant(s)
	09/218,916	NICKUM, LARRY A.
Notice of Allowability	Examiner	Art Unit
	Sheela Rao	2125
The MAILING DATE of this communication apperall claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RI of the Office or upon petition by the applicant. See 37 CFR 1.313 1. This communication is responsive to 02 February 2005.	(OR REMAINS) CLOSED in or other appropriate comm GHTS. This application is a	n this application. If not included unication will be mailed in due course. <b>THIS</b>
2. The allowed claim(s) is/are <u>1-27</u> .		
3. The drawings filed on are accepted by the Examiner	:	
<ul> <li>4. Acknowledgment is made of a claim for foreign priority una a) All b) Some* c) None of the: <ol> <li>Certified copies of the priority documents have</li> <li>Certified copies of the priority documents have</li> <li>Copies of the certified copies of the priority documents have</li> </ol> </li> <li>Topies of the certified copies of the priority documents have an accordance of the priority documents have a priority document of the priority documents have a priority document of the priorit</li></ul>	been received. been received in Application	on No
Applicant has THREE MONTHS FROM THE "MAILING DATE" of noted below. Failure to timely comply will result in ABANDONM THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.		e a reply complying with the requirements
5. A SUBSTITUTE OATH OR DECLARATION must be submi INFORMAL PATENT APPLICATION (PTO-152) which give		
<ul> <li>6.  ☐ CORRECTED DRAWINGS ( as "replacement sheets") must (a) ☐ including changes required by the Notice of Draftsperson 1) ☐ hereto or 2) ☐ to Paper No./Mail Date</li> <li>(b) ☐ including changes required by the attached Examiner's Paper No./Mail Date</li> <li>Identifying indicia such as the application number (see 37 CFR 1. each sheet. Replacement sheet(s) should be labeled as such in the paper No./ ☐ DEPOSIT OF and/or INFORMATION about the depose attached Examiner's comment regarding REQUIREMENT For the paper No./ ☐ DEPOSIT OF and/or INFORMATION about the depose attached Examiner's comment regarding REQUIREMENT For the paper No./ ☐ DEPOSIT OF and/or INFORMATION about the depose attached Examiner's comment regarding REQUIREMENT For the paper No./ ☐ DEPOSIT OF and/or INFORMATION about the depose attached Examiner's comment regarding REQUIREMENT For the paper No./ ☐ DEPOSIT OF and/or INFORMATION about the depose attached Examiner's comment regarding REQUIREMENT For the paper No./ ☐ DEPOSIT OF and/or INFORMATION about the depose attached Examiner's comment regarding REQUIREMENT For the paper No./ ☐ DEPOSIT OF and/or INFORMATION about the depose attached Examiner's comment regarding REQUIREMENT For the paper No./ ☐ DEPOSIT OF and/or INFORMATION about the depose attached Examiner's comment regarding REQUIREMENT For the paper No./ ☐ DEPOSIT OF and/or INFORMATION about the depose attached Examiner's comment regarding REQUIREMENT For the paper No./ ☐ DEPOSIT OF and/or INFORMATION about the depose attached Examiner's comment regarding REQUIREMENT For the paper No./ ☐ DEPOSIT OF and/or INFORMATION about the depose attached Examiner's comment regarding REQUIREMENT For the paper No./ ☐ DEPOSIT OF A DEPOSI</li></ul>	on's Patent Drawing Review Amendment / Comment on 84(c)) should be written on the header according to 37 CF sit of BIOLOGICAL MATI	r in the Office action of  the drawings in the front (not the back) of R 1.121(d).  ERIAL must be submitted. Note the
Attachment(s)  1. ☐ Notice of References Cited (PTO-892)  2. ☑ Notice of Draftperson's Patent Drawing Review (PTO-948)  3. ☑ Information Disclosure Statements (PTO-1449 or PTO/SB/06 Paper No./Mail Date 1/11/03  4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material	6. ☐ Interview S Paper No. 8), 7. ⊠ Examiner's	formal Patent Application (PTO-152)  ummary (PTO-413), /Mail Date  Amendment/Comment  Statement of Reasons for Allowance

Applicant's amendments to the claim language and response filed on 2 February 2005, to the
 Office action has been entered and considered.

2. Claims 1-27 are pending. Claims 8 and 13 have been amended, claims 24-27 have been added.

## Response to Amendment

- 3. The objection to the declaration filed on October 10, 2003 is **withdrawn** in light of Applicant's withdrawal of this declaration.
- 4. The rejection of claims 1, 7, 8, and 13 under 35 USC § 112, first paragraph, is **withdrawn** in light of Applicant's explanation.
- 5. The rejection of claims 1-23 under 35 USC § 103(a) as being unpatentable over Tabuchi (USPN 5,822,583) in view of Ruckdashel (USPN 6,038,542) is **withdrawn** in light of Applicant's amendments and response.

## Allowable Subject Matter

- 6. Claims 1-27 are allowable over the prior arts of record. The claims have been renumbered to give correspondence and contiguous dependency among the claims.
- 7. As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).
- 8. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because PTO form 948 has indications of objections made to the drawings by the Draftperson's review. A copy of the form is attached. Applicant is advised to employ the services of a competent patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no longer prepares new

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drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the

application. The requirement for corrected drawings will not be held in abeyance.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should

be directed to Sheela Rao whose telephone number is (571) 272-3751. The examiner can normally be

reached Monday - Friday from 8:30 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo

Picard, can be reached on (571) 272-3749. The fax number for the organization where this application

or any proceeding papers is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application

Information Retrieval (PAIR) system. Status information for published applications may be obtained from

either Private PAIR or Public PAIR. It should be noted that status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR system, see

http://pair-direct.uspto.gov. Should any questions arise regarding access to the Private PAIR system,

contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sheela S. Rao

March 28, 2005

LEO PICARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

L-P.P